

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariel Courage	Team: Squad #6	CCRB Case #: 201503878	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/06/2015 3:00 PM	Location of Incident: § 87(2)(b)	Precinct: 46	18 Mo. SOL 11/6/2016	EO SOL 11/6/2016	
Date/Time CV Reported Fri, 05/15/2015 8:34 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/15/2015 11:11 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			NARCBBX
2. An officer			NARCBBX
3. INS Christophe McCormack	00000	895704	NARCBBX
4. LT Ronald Bolte	00000	918765	NARCBBX
5. DT3 Allen Selegan	2344	939448	NARCBBX
6. POM Thomas Accomando	08316	949957	046 PCT
7. POM Anthony Romero	01884	940669	046 PCT
8. CPT Christophe Henning	00000	925443	NARCBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jeremy Mcgee	18706	940448	NARCBBX
2. POM Josue Marcelin	26025	942120	NARCBBX
3. DT3 Scott Lieneck	00016	920505	NARCBBX
4. DT3 Michael McCarthy	6427	942155	NARCBBX
5. DT3 James Flynn	00858	923833	NARCBBX
6. DT3 Simon Laine	1188	936901	NARCBBX
7. DT3 Bahir Mustafa	4533	928840	NARCBBX
8. DT3 Thomas Demkiw	4600	945658	NARCBBX
9. SGT Francisco Perez	00767	924326	NARCBBX
10. SGT Franklin Bohr	02618	892920	INT CIS

Officer(s)	Allegation	Investigator Recommendation
A.INS Christophe McCormack	Abuse: Insp. Christopher McCormack entered and searched § 87(2)(b) in the Bronx.	

Officer(s)	Allegation	Investigator Recommendation
B.CPT Christophe Henning	Abuse: Captain Christopher Henning entered and searched § 87(2)(b) in the Bronx.	
C.INS Christophe McCormack	Abuse: Insp. Christopher McCormack authorized a strip search of § 87(2)(b)	
D.INS Christophe McCormack	Abuse: Insp. Christopher McCormack threatened § 87(2)(b) with the use of force.	
E. Officers	Abuse: Officers strip-searched § 87(2)(b)	
F. Officers	Abuse: Officers searched a vehicle belonging to § 87(2)(b)	
G. Officers	Abuse: Officers damaged § 87(2)(b) property.	
H. An officer	Abuse: An officer threatened to arrest § 87(2)(b) Sr..	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

### Case Summary

This case is being closed past the 90-day deadline for the following reasons: § 87(2)(b) did not provide an in-person statement until approximately one month after the incident date, § 87(2)(b) another victim, did not provide an in-person statement until approximately two months after the incident date, there were multiple civilian victims and witnesses who were either unidentified or unavailable, and this case required the interviews of numerous officers, many of whom missed scheduled appointments, and one of whom was re-interviewed.

On May 7, 2015, § 87(2)(b) called IAB to file a complaint (original log number 15-12119). The complaint was referred to the CCRB on May 15, 2015. On May 6, 2015, at approximately 3 p.m., a team of officers from Narcotics Borough Bronx supervised by Inspector Christopher McCormack entered and searched § 87(2)(b) apartment, located at § 87(2)(b) in the Bronx (**Allegation A**), pursuant to a valid search warrant. Simultaneously, a team of officers also from Narcotics Borough Bronx supervised by Captain Christopher Henning entered and searched § 87(2)(b) in the Bronx (**Allegation B**), pursuant to a valid search warrant. § 87(2)(b) learned of the execution of this second search warrant after speaking to his neighbor who resides at that location, identified by the investigation as § 87(2)(b).

Inside of § 87(2)(b), Insp. McCormack, Lt. Ronald Bolte, Det. Allen Selegan, and Det. James Flynn escorted § 87(2)(b) from the living room of his apartment to his bedroom. Insp. McCormack allegedly authorized a strip search of § 87(2)(b) in this rear bedroom (**Allegation C**). Insp. McCormack allegedly told § 87(2)(b) “You got a smart mouth. I’ll knock you out so you won’t wake up until next week.” (**Allegation D**) Unidentified officers also allegedly strip searched § 87(2)(b) (**Allegation E**)

§ 87(2)(b) father, § 87(2)(b) arrived at § 87(2)(b) while officers were still executing the search warrant. As § 87(2)(b) approached § 87(2)(b), he saw three unidentified officers searching a blue Audi that is registered to § 87(2)(b) mother, § 87(2)(b) who was not present at the time of this incident (**Allegation F**), and allegedly damaged it (**Allegation G**). When § 87(2)(b) demanded to know if they had a search warrant for the vehicle, an unidentified officer told him, “Mind your business or I’ll arrest you” (**Allegation H**).

Insp. McCormack did not document the strip search of § 87(2)(b) (**Allegation I**). Four officers involved in this incident, Lt. Bolte (**Allegation J**), PO Accomando (**Allegation K**), PO Romero (**Allegation L**), and Det. Selegan (**Allegation M**) did not prepare memo book entries as required.

§ 87(2)(b) was released with a summons for § 87(2)(b) issued by the team’s arresting officer, PO Jeremy McGee (BR 01). A guest at § 87(2)(b) apartment, § 87(2)(b) was arrested for § 87(2)(b) (BR 02). A third occupant of § 87(2)(b) in the Bronx, § 87(2)(b) was neither arrested nor issued summonses. § 87(2)(b) was not issued summonses or arrested.

The investigation located no video footage of this incident.

### Mediation, Civil and Criminal Histories

- This case was not eligible for mediation due to the allegation of a strip search and due to § 87(2)(b)’s arrest.
- As of August 14, 2015, 10 days after the filing deadline, § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with respect to this incident (BR 03).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED] has filed one prior CCRB complaint (BR 08):
    - § 87(2)(b) [REDACTED]  
[REDACTED]
  - § 87(2)(b) [REDACTED] (BR 09) and § 87(2)(b) [REDACTED] (BR 10) have not filed any CCRB complaints.
  - § 87(2)(b) [REDACTED] has filed one prior CCRB complaint (BR 11):
    - § 87(2)(b) [REDACTED]
  - Insp. McCormack has been a member of the service for 26 years. There are five prior cases in which allegations of a strip search were made against Insp. McCormack. In each of these cases except one it was alleged that Insp. McCormack performed the alleged strip search outside of a police facility. None of these allegations has been substantiated.
    - In case 201207114, an allegation of a strip search at the scene of the complainant's stop was closed as complainant uncooperative.
    - In case 201200024, an allegation of a strip search at the scene of the complainant's arrest was closed as complainant uncooperative.
    - In case 200905533, allegations of a strip search and cavity search performed inside of a police facility were closed as unsubstantiated.
    - In case 200806808, an allegation of a strip search conducted at the scene of the complainant's arrest was closed as unfounded § 87(2)(g) [REDACTED]  
[REDACTED]
    - In case 200614294, an allegation of a strip search conducted at the scene of the complainant's arrest was closed as unfounded § 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]
- In total, there are 92 prior allegations against Insp. McCormack across 33 cases from 1990 through the present, the following of which have been substantiated:
- In CCRB case 9703208, an allegation of improper detention was substantiated and the Board recommended charges. The NYPD disposition is not listed.
  - In CCRB case 9803109, an allegation of property seizure was substantiated and the Board recommended charges. The NYPD disposition is not listed.
  - In CCRB case 200300663, four allegations of a frisk and search, one allegation of a vehicle search, two allegations of a threat of arrest, an allegation of refusal to

- provide name and shield, and two allegations of property seizure were all substantiated and the Board recommended charges. Insp. McCormack was found not guilty upon administrative trial.
- In CCRB case 200602000, an allegation of a frisk was substantiated. The Board recommended charges and Insp. McCormack received instructions.
  - In CCRB case 200906421, an allegation of a stop was substantiated. The Board made no recommendations. Insp. McCormack received instructions.
  - In CCRB case 201201475, allegations of a stop and a frisk were substantiated. Command discipline was recommended. No disciplinary action was taken.
- Lt. Bolte has been a member of the service for 18 years. There are 48 allegations against him stemming from 19 cases between 1998 and the present, the following of which have been substantiated:
    - In CCRB case 201405046, an allegation of discourtesy was substantiated. The Board recommended formalized training. The NYPD disposition is still pending.
    - In CCRB case 201214379, an allegation of discourtesy and improper detainment were substantiated. The Board recommended charges. The NYPD disposition is still pending.
    - In CCRB case 201211468, an allegation of discourtesy was substantiated. The Board recommended charges. The NYPD disposition is still pending.
    - In CCRB case 200507396, an allegation of refusal to provide name and shield were substantiated. The Board recommended charges and Lt. Bolte received instructions.
  - Sgt. Bohr has been a member of the service for 28 years. There are 27 allegations against him across 11 cases beginning in 1988, the following of which have been substantiated:
    - In CCRB case 200100716, allegations of a question, physical force, discourtesy, and threat of force were substantiated. The Board recommended charges. Sgt. Bohr pled guilty and forfeited 20 vacation days.
    - In CCRB case 9600841, an allegation of a search was substantiated. The Board made no recommendations and the NYPD disposition is not listed.
  - Det. Selegean has been a member of the service for 10 years. There are 14 prior allegations against him across 7 prior cases. None of them have been substantiated.
  - Det. Flynn has been a member of the service for 16 years. There is one prior CCRB allegation against him which was not substantiated.
  - PO McGee has been a member of the service for 9 years. There are five prior CCRB allegations against him from two cases in 2007 and 2008, none of which were substantiated.
  - Det. Lieneck has been a member of the service for 17 years. There are 18 prior allegations against him across 10 cases beginning in 2003, one of which was substantiated:
    - In CCRB case 201305331, an allegation of a search was substantiated. The Board recommended command discipline B. Det. Lieneck received instructions.
  - Det. McCarthy has been a member of the service for 9 years. There is one prior CCRB allegation against him from a case in 2013 which was not substantiated.
  - Det. Mustafa has been a member of the service for 14 years. There are six prior allegations against him from two cases that occurred in 2003 and 2006. None of these allegations were substantiated.
  - Det. Laine has been a member of the service for 10 years. There are two prior allegations against him from two cases that occurred in 2012 and 2013 which were not substantiated.

- Det. Demkiw has been a member of the service for 7 years. There are seven prior allegations against him from four cases that occurred between 2008 and 2013, one of which was substantiated:
  - In CCRB case 200818332, an allegation of a stop was substantiated. The Board recommended charges. No disciplinary action was taken.
- PO Accomando has been a member of the service for 4 years. There are four prior allegations against him from two prior cases that occurred in 2012 and 2014, none of which were substantiated.
- PO Romero has been a member of the service for 9 years. There are 16 prior allegations against him from 9 cases that occurred between 2007 and the present, one of which was substantiated:
  - In CCRB case 201405128, an allegation of a search was substantiated. The Board recommended instructions. The NYPD Penalty is pending.

### **Potential Issues**

- On June 15, 2015, attempts were made to contact § 87(2)(b) via the phone numbers located by IAB during their call out investigation. Voice messages were left at these numbers. On June 17, 2015, another call was placed to these numbers, one of which was found to be incorrect. Between June 19, 2015, and June 23, 2015, three further calls were placed to § 87(2)(b)'s remaining number. During the fifth call, on June 23, 2015, a male answered and said the number was incorrect. On June 15, 2015, and June 19, 2015, two please-call letters were mailed to § 87(2)(b) both of which were returned as undeliverable. On June 23, 2015, additional searches for § 87(2)(b)'s contact information revealed three possible additional numbers, all of which were found not to be in service. On June 26, 2015, a call was placed to § 87(2)(b) to request that he have § 87(2)(b) and § 87(2)(b) contact the CCRB. § 87(2)(b) indicated that he had not seen § 87(2)(b) and § 87(2)(b) but he would have them contact the CCRB if he did. To date, § 87(2)(b) has not contacted the CCRB to provide a statement.
- On June 15, 2015, a call was placed to § 87(2)(b) at the phone number obtained by IAB during their call-out investigation of this incident and a voice message was left. The outgoing message indicated that the phone number belonged to § 87(2)(b). Between June 17, 2015, and June 23, 2015, four further calls were placed to § 87(2)(b). Each time messages were left requesting a call back. On June 23, 2015, additional searches for § 87(2)(b) contact information revealed additional numbers, all of which were found either not to be in service or to be incorrect. On June 15, 2015, and June 19, 2015, two please-call letters were mailed to § 87(2)(b) both of which were returned as undeliverable. To date, § 87(2)(b) has not contacted the CCRB to provide a statement.
- During his in-person statement, § 87(2)(b) said his grandson, § 87(2)(b) may have been present to witness the vehicle search. § 87(2)(b) did not know of a telephone number for § 87(2)(b) but provided his address. Attempts to locate contact information for § 87(2)(b) through applicable searches were unsuccessful. On June 26, 2015 and June 30, 2015, two please-call letters were sent to § 87(2)(b). On June 26, 2015, the undersigned contacted § 87(2)(b) who said he also did not know of a number for § 87(2)(b).

- In his CCRB statements, § 87(2)(b) said that there is an older male who often sits in front of § 87(2)(b), across the street from § 87(2)(b). On July 6, 2015, contact was established with a resident of § 87(2)(b) § 87(2)(b) § 87(2)(b) denied witnessing this incident. On July 8, 2015, Field Work was performed to § 87(2)(b) (BR 12). The aforementioned older male was located sitting in front of § 87(2)(b) § 87(2)(b), who identified himself as § 87(2)(b) § 87(2)(b) did not think he witness this incident, though he noted that his memory has been poor since he suffered a stroke.
- Attempts were made to contact two individuals associated with § 87(2)(b) § 87(2)(b) in the Bronx: § 87(2)(b) who was found through Lexis Nexis searches, and § 87(2)(b) to whom a summons was issued as a result of this incident. Between June 15 and June 29, 2015, five calls were placed and two letters sent to each of the possible contacts for § 87(2)(b) and § 87(2)(b). To date, neither § 87(2)(b) nor § 87(2)(b) has responded to these contact attempts.

- **Entry:** Because Insp. McCormack was the overall supervisor of the team effecting entry into § 87(2)(b) this allegation has been pleaded against him (BR 47).
- **Entry:** Because Captain Henning was the overall supervisor of the team effecting entry into § 87(2)(b) this allegation has been pleaded against him (BR 48).
- **Strip search:** There are discrepancies between § 87(2)(b) statement as to which officer actually performed the strip search of him – § 87(2)(b) described the officer as being a white male, in his 30s, about 5’7” tall with heavy build and pockmarked skin, and who he identified via a photo array conducted by IAB as PO McGee (BR 15), yet all officers denied that a strip search was performed, and none of the officers placed PO McGee in the bedroom where § 87(2)(b) was brought to be searched. Additionally, Det. Selegean said it was Lt. Bolte, not Insp. McCormack, who instructed him to take § 87(2)(b) into the rear bedroom of the apartment and search him more thoroughly.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]

- **Threat of force:** § 87(2)(b) described the officer who threatened him with the use of physical force as a white male with muscular build, around 6'0" tall, in his 30s, and clean-shaven. Although in his intake statement to IAB (BR 26 and 50), § 87(2)(b) said that he was threatened by a "Sergeant," the IAB officer who took § 87(2)(b) statement did not clarify how he knew this; in his CCRB statement, § 87(2)(b) said he asked to speak to a supervisor and another officer who he could identify pointed to this officer and said he was a sergeant. § 87(2)(g)

§ 87(2)(g)

- **Vehicle search, property damage, and threat of arrest:**

The investigation was unable to identify the officers who allegedly searched § 87(2)(b) vehicle, damaged it, or threatened to arrest § 87(2)(b) (BR 16) said that he was at his house when his grandson, § 87(2)(b) arrived and told him that the police were at § 87(2)(b) § 87(2)(b) dressed and walked to § 87(2)(b) which is about five minutes from his home. When § 87(2)(b) reached § 87(2)(b) he saw three officers searching a vehicle that § 87(2)(b) uses but that is registered to his mother, § 87(2)(b)

§ 87(2)(b) provided descriptions of these three officers: one was a black male, around 5'7" and 5'8" tall, chubby build, 25 to 35 years old, in plainclothes, who seemed to § 87(2)(b) to be a "rookie" officer, who entered through the front passenger seat and searched the glove compartment, and who § 87(2)(b) believed also damaged the glove compartment, though he did not actually see this officer cause this damage, and who after completing the vehicle search walked back towards § 87(2)(b) the second was a white male, with heavy to chunky build, 25 to 35 years old, somewhere between 5'9" tall and 6'0" tall, black hair, who was searching the backseat through the rear driver side door, who also walked back to § 87(2)(b) and the third was a white male, between 5'9" and 6'0" tall, 25 to 35 years old, slightly muscular build, black or brown hair, with a five o'clock shadow, who was searching the driver side of the vehicle, who allegedly threatened to arrest § 87(2)(b) and who walked towards § 87(2)(b) when he completed the vehicle search. § 87(2)(b) noted that he had difficulty distinguishing between the second and third officers, as they looked so similar.

§ 87(2)(b) (BR 17) did not witness the search of his mother's vehicle, but took pictures of the damage to the glove compartment (BR 18) and of the vehicle itself (BR 19).

As discussed above, attempts to locate witnesses to the vehicle search returned negative results (BR 12).

A request for a search warrant associated with this vehicle was returned with negative results (BR 20).

Sgt. Bohr's complaint follow-up informational notations (BR 21) for the investigation of this warrant make no mention of any vehicle.

§ 87(2)(e), § 87(2)(f)

§ 87(2)(b) Sgt. Bohr made no efforts to obtain a search warrant for the Audi. Sgt. Bohr reviewed the CCRB photograph of § 87(2)(b) Audi, and said he recognized it. Sgt. Bohr said he recalled observing this vehicle parked at a hydrant during a separate incident for a "totally different case" on a different date that he could not recall. Sgt. Bohr did not believe he saw the Audi while at § 87(2)(b) on May 6, 2015. Sgt. Bohr did



not recall searching the vehicle on May 6, 2015, observing any officers do so, or instructing any officers to do so. Sgt. Bohr did not believe he damaged the Audi, or saw any officer do so. Sgt. Bohr denied threatening § 87(2)(b) with arrest, or hearing any officer do so. Sgt. Bohr, a 6'0"-tall, 240-pound, § 87(2)(b)-old white man with brown hair and a goatee, does not match any description given by § 87(2)(b).

None of the officers who were interviewed acknowledged searching the vehicle, damaging the vehicle, or threatening § 87(2)(b) with arrest.

The following officers were listed on the tactical plan for § 87(2)(b) (BR 47): Insp. McCormack, Lt. Bolte, PO McGee, Det. Lieneck, Det. Selegan, Det. McCarthy, Det. Flynn, Det. Laine, Det. Mustafa, and Det. Demkiw. In addition, three additional officers were at some point present inside of § 87(2)(b) (BR 48): Sgt. Bohr, PO Accomando, and PO Romero. The following officers were listed on the tactical plan for § 87(2)(b) Captain Henning, Sgt. Perez, PO Marcelin, Det. Santersiro, Det. Garcia, PO Ruggieri, Det. Smith, Det. Ramdeen, and Det. Porter.

Of these officers, only Det. Laine, PO Marcelin, Det. Arthur Smith, and Det. Ramdeen are black men. Det. Ramdeen is a § 87(2)(b)-old male, 6'1" tall, 205 pounds, with black hair and brown eyes, and therefore does not match the given description, nor does Det. Arthur Smith, a § 87(2)(b)-old male, 6'1" tall and 230 pounds. Det. Laine, a § 87(2)(b)-old black male, 6'3" tall, 200 pounds, with black hair, brown eyes, and a beard and moustache, also does not closely match the given description, and in his interview denied searching any vehicle on scene. PO Marcelin, who is a § 87(2)(b)-old black male, 6'0" tall, 200 pounds, with brown hair and eyes, again does not closely match the description, and denied searching any vehicle on scene (BR 46).

There were multiple officers who may be considered to match the descriptions provided by § 87(2)(b) of the two white male officers: PO McGee, Det. Lieneck, Det. Selegan, Det. McCarthy, Det. Flynn, Det. Demkiw, PO Ruggieri, and PO Accomando. Every officer who entered § 87(2)(b) was interviewed and denied searching the vehicle, damaging it, or threatening to arrest § 87(2)(b). Most officers interviewed indicated that while it was not impossible that the team from § 87(2)(b) and § 87(2)(b) worked together at some point during the execution of both warrants, it would be unusual for them to do so. None of them had any recollection of this occurring during this incident.

§ 87(2)(g)

#### **Allegations Not Pleaded**

- **Refusal to display search warrant:** § 87(2)(b) alleged that when he requested to see a search warrant for his vehicle, an officer told him, "Mind your business or I'll arrest you," and never displayed a search warrant to him. A request for a search warrant for this vehicle was returned as negative (BR 20). § 87(2)(g)

**Allegation A – Abuse of Authority: Insp. Christopher McCormack entered and searched § 87(2)(b) in the Bronx.**

**Allegation B – Abuse of Authority: Captain Christopher Henning entered and searched § 87(2)(b) in the Bronx.**

On § 87(2)(b), Det. Jeremy McGee of Narcotics Borough Bronx obtained a no-knock search warrant for § 87(2)(b) signed by the Hon. Judge § 87(2)(b). The warrant was executed on May 6, 2015 (BR 23). The warrant objective was narcotics.

On § 87(2)(b), PO Josue Marcelin of Narcotics Borough Bronx obtained a no-knock search warrant for § 87(2)(b) signed by the Hon. Judge § 87(2)(b). This warrant was also executed on May 6, 2015 (BR 24). The warrant objective was narcotics.

As per the above, officers entered and searched both § 87(2)(b) and § 87(2)(b) pursuant to valid search warrants.

Article 690.05 of the New York State Criminal Procedure Law (Board Review 25) explicitly states that a search warrant is a court order directing police to conduct a search of designated premises for purposes of seizing designated property, and to delivery any property so obtained to the court which issued the warrant.

§ 87(2)(g)

**Allegation C – Abuse of Authority: Insp. Christopher McCormack authorized a strip search of § 87(2)(b)**

The circumstances surrounding the alleged strip search of § 87(2)(b) are in dispute. § 87(2)(b) (BR 17) said he was in his bedroom when he looked out of his window and saw approximately seven plainclothes officers and four unmarked police vehicles. § 87(2)(b) went to his bedroom door and looked down the hallway to the entrance of his apartment. § 87(2)(b) heard voices outside the door saying, “Get it, get it,” and what sounded like a drill. When the door opened, the plainclothes officers entered and § 87(2)(b) turned and threw himself face-down onto the floor of his bedroom. Two officers who § 87(2)(b) could not see and therefore could not identify placed him into handcuffs.

Officers escorted § 87(2)(b) to the living room of his apartment. § 87(2)(b) brother, § 87(2)(b) and his wife, § 87(2)(b) were also brought to the living room. After § 87(2)(b) was sitting in the living room for about one hour, an officer – § 87(2)(b) could not remember which – frisked him in the living room while he was still handcuffed by patting down his legs and his sides. § 87(2)(b) denied fidgeting or otherwise making movements while in the living room. § 87(2)(b) denied that he had any contraband secreted on his person.

Four officers escorted § 87(2)(b) back to his bedroom. An officer released § 87(2)(b) from his handcuffs, while two other officers – § 87(2)(b) could not tell which of the four – held him by his biceps. Insp. McCormack instructed § 87(2)(b) to remove his clothing one article at a time, which § 87(2)(b) did. An officer thoroughly searched each article he removed, including the hems and linings. Insp. McCormack instructed § 87(2)(b) to squat twice, which he did. Insp. McCormack then instructed § 87(2)(b) to bend over twice, which he did. § 87(2)(b) eventually was positioned on all fours, during which time an officer, described as a white male with pockmarked skin in his 30s, with heavy build, about 5’7” tall, and in plainclothes, and who § 87(2)(b) identified during his photo viewing with IAB as PO McGee (BR 15), put on a plastic glove and swiped his fingers in between his buttocks. § 87(2)(b) feared that this officer would attempt to insert his finger into § 87(2)(b) rectum, though he never actually did so.

It should be noted that while the initial IAB log notes that an officer inserted his finger into § 87(2)(b) rectum, § 87(2)(b) never actually alleged this. As per the IAB intake CD (BR 26, summary at BR 50), § 87(2)(b) told the IAB operator that the officer was “on [his anus] and trying to force himself in...I didn’t let him.” Thus while the IAB log (BR 27) notes that § 87(2)(b) alleged PO McGee put “a finger in his rectum,” this appears to be a mistake on the part of the IAB officer who took § 87(2)(b) call. During the IAB call out investigation (BR 15), § 87(2)(b) issued a formal retraction of any cavity search allegation, stating that PO McGee “felt between his butt cheeks,” that his “groin and buttocks area was touched and grabbed,” and that he has “experienced prior law enforcement drug searches” and “was not making any allegations of any skin to skin penetration,” though he believed that the “strip search and any swiping or touching around my anus should have been performed at a hospital by a doctor.”

As discussed above, the investigation was unable to establish contact with § 87(2)(b) or § 87(2)(b) § 87(2)(b) and § 87(2)(b) were interviewed together by IAB (BR 15). In their IAB statement, § 87(2)(b) said she was at § 87(2)(b) apartment doing laundry and smoking marijuana, which she planned to lace with crack cocaine. When she heard officers announce their presence at the apartment door, § 87(2)(b) became nervous and placed the crack cocaine in her brassiere. Once officers entered, § 87(2)(b) and § 87(2)(b) were placed in handcuffs while the officers began to search the apartment. § 87(2)(b) alleged that he was strip searched by officers in the kitchen of the apartment. § 87(2)(b) also saw officers move § 87(2)(b) to a separate room of the apartment. § 87(2)(b) heard § 87(2)(b) yell from inside this room, “An officer is trying to stick his finger up my ass...they trying to go in my ass.” § 87(2)(b) did not hear § 87(2)(b) make these statements.

§ 87(2)(b) (BR 16) said that when he arrived at § 87(2)(b) in the Bronx, he saw two officers, one of whom he described as a white male, 45 to 50 years old, with slightly heavy build, 5’10” to 5’11” tall, with light brown hair, and who he believed to be a Sergeant as he heard other officers refer to him as such, and a second officer, described as a white male in his 40s or 50s, with chubby build, and brown hair, escort § 87(2)(b) from the living room into a rear bedroom of the apartment. These descriptions could match those of Sgt. Bohr and of Lt. Bolte, respectively. § 87(2)(b) did not know what happened to § 87(2)(b) while he was inside this room, and could not tell how long he was in the room for, as he was by this point speaking to an officer who he described as a possibly Hispanic male with medium complexion, shorter than 5’8” tall, about 40 years old, with average to heavy build and short dark brown hair, who was identified by the investigation as Det. Mustafa, and was distracted. § 87(2)(b) heard § 87(2)(b) yelling from the bedroom something to the effect of, “motherfuckers trying to...” but could not understand in full what § 87(2)(b) was yelling. After this incident, § 87(2)(b) told § 87(2)(b) that officers had strip searched him in the bedroom.

There is no police documentation of any strip search performed upon § 87(2)(b)

Insp. McCormack (BR 28) said that the search warrant for § 87(2)(b) was investigated by Sgt. Frank Bohr, the Field Intelligence Officer of the 46<sup>th</sup> Precinct. Insp. McCormack did not remember what information he had about any contraband that could be found in the apartment, or how it would be packaged, prior to entry, though Insp. McCormack noted that he was familiar with the apartment, as he has executed other search warrants there over the past few years. § 87(2)(b) arrest history confirms that he has been arrested multiple times incident to search warrants (BR 04)). Insp. McCormack initially said he knew the apartment to be associated with § 87(2)(b) who he described as a “petty crack dealer,” but later said he did not recognize § 87(2)(b) only his apartment. Although Insp. McCormack had executed search warrants at this location prior, he was not aware in advance that

§ 87(2)(b) had an early warning system, and learned of this only upon entry into the apartment.

Insp. McCormack said that at some point during the search warrant execution, he was in the living room with § 87(2)(b) who was rear handcuffed. Insp. McCormack explained that in typical arrest situations, a defendant would place both of their arms behind their back with the hands pressed together as though in prayer so that they could comfortably be handcuffed, but due to the rushed nature of the search warrant entry, officers likely did not have time to correctly handcuff § 87(2)(b) so that his arms appeared not to be properly aligned. Insp. McCormack instructed an officer – he did not recall which – to re-handcuff § 87(2)(b) in the correct fashion.

Insp. McCormack was standing at a slight remove from § 87(2)(b) and over the period of a few seconds, saw that he was reaching his hands underneath the rear of his waistband. Insp. McCormack did not tell § 87(2)(b) to stop moving. Insp. McCormack grew concerned that § 87(2)(b) might have had contraband secreted underneath his person based upon his observation of his hands in his rear waistband, and because when he asked the officers on his team who had previously searched § 87(2)(b) none of them provided him with a clear response. Insp. McCormack otherwise had no reason to believe this, except the nature of the search warrant, which was for narcotics.

Insp. McCormack did not order officers to bring § 87(2)(b) to a rear bedroom of the apartment. Concerned that § 87(2)(b) had not been searched, Lt. Bolte or Sgt. Bohr either brought or had another officer bring § 87(2)(b) from the living room to the rear bedroom of the apartment to be searched. Insp. McCormack said § 87(2)(b) was moved out of the living room as ideally searches should be conducted in the least crowded environment possible. Insp. McCormack followed § 87(2)(b) and this officer or officers to the rear bedroom. Insp. McCormack was unsure how he was positioned relative to § 87(2)(b) in this rear bedroom, except that they were about five or six feet apart, as § 87(2)(b) bedroom is small. At some point – either while an officer was releasing § 87(2)(b) from the handcuffs, or afterwards – money fell out of the back of his pants. Insp. McCormack was unsure how the money came to be out of his pants, though he believed no frisk or search of § 87(2)(b) was conducted before he removed from his handcuffs, and believed that as soon as § 87(2)(b) was released from the handcuffs he removed his own pants so that he was nude from the waist down, grabbed his crotch, raised his voice, and made statements to officers to the effect of, “You want to see my dick? You want to see my asshole? You’re homos...”

Insp. McCormack did not recall § 87(2)(b) at any point being positioned on all fours. Insp. McCormack did not swipe his fingers between § 87(2)(b) buttocks, or see any officer do so, and at no point did he see officers making physical contact with him while he was nude. Insp. McCormack believed that after a few seconds, § 87(2)(b) pants were pulled up again. § 87(2)(b) was then placed in handcuffs again, and then frisked and searched. At no point was § 87(2)(b) instructed to remove his clothing. At no point did Insp. McCormack intend to strip search him.

§ 87(2)(e), § 87(2)(f)

Lt. Bolte (BR 29) said that at the pre-execution meeting, he was informed that the contraband could be found in a black cabinet in § 87(2)(b) bedroom at the rear right of the apartment, and that he may have had an early warning system.

Upon entry, Lt. Bolte went directly to § 87(2)(b) bedroom. Lt. Bolte located the aforementioned black cabinet, but no contraband was found within it. After he was in the bedroom for about 10 or 15 minutes, Lt. Bolte heard an officer, whose voice he could not

identify, say, “Hey, what are you doing? Get your hands out of there. What are you doing?” Lt. Bolte heard nothing else at this time, except § 87(2)(b) cursing and raising his voice. Based upon what he heard, his experience, and the fact that Lt. Bolte knew § 87(2)(b) was likely rear handcuffed at this time, Lt. Bolte believed that § 87(2)(b) might possibly have been sticking “something” in the rear of his pants. Lt. Bolte had no other indication of this.

Insp. McCormack entered the bedroom, followed closely by § 87(2)(b) who was still handcuffed, and then by Det. Selegian. Lt. Bolte did not believe there were any other officers in the bedroom by this juncture. Lt. Bolte was positioned so that he stood about seven feet in front of § 87(2)(b) to his right, so that he could see his right shoulder. § 87(2)(b) was not fidgeting, but seemed irritated, saying, “Fuck you, motherfuckers. Suck my dick. You want to suck my dick? Is that why you want me to...?” Lt. Bolte noted that § 87(2)(b) was probably brought from the living room to the bedroom as that was “where [the officers] were.”

Det. Selegian searched § 87(2)(b) by using two fingers to tuck inside his waistband swipe around its circumference, so that anything hidden in the waistband would fall out. Det. Selegian then “opened up the back of § 87(2)(b) pants,” by which Lt. Bolte indicated that he pulled out the rear of the waistband of the sweatpants he wore, as that was where his hands had been fidgeting. Lt. Bolte assumed Det. Selegian saw or felt something, as he said, “What is this?” Det. Selegian then pulled out money, approximately three twenty-dollar bills that had been folded up lengthwise and then folded over, from § 87(2)(b) pants. Lt. Bolte was uncertain if Det. Selegian pulled this from the top of § 87(2)(b) waistband or if he had to reach further into his pants to recover it. § 87(2)(b) still handcuffed at this time, and responded to Det. Selegian’s question by saying, “That’s where I keep my fucking money. What the fuck difference is it to you where I keep my fucking money?”

Insp. McCormack at this juncture said he was unhappy with the preliminary search that had been conducted. Lt. Bolte assumed that Insp. McCormack referred to the initial cursory search of prisoners that is typically performed and which consists of a pat down and search of pockets, though Lt. Bolte did not actually see or know if this preliminary frisk and search were conducted. Insp. McCormack said he wanted § 87(2)(b) to be searched again, and ordered Det. Selegian to remove his handcuffs. Lt. Bolte said that § 87(2)(b) needed to be released from his handcuffs for this more thorough search to be performed because this more thorough search would entail “reaching into § 87(2)(b) pockets, feeling underneath his armpits, and feeling the rear of his pants.”

Once § 87(2)(b) was removed from his handcuffs, he “went ballistic,” saying, “I know you motherfuckers. Is that what you want to see? You want to see my dick?” § 87(2)(b) then quickly ripped off his shirt and his pants, so that he was completely nude, cupped his genitals, pulled up his penis and scrotum, and said, “You can look at my fucking dick.” § 87(2)(b) then squatted. Lt. Bolte, Insp. McCormack, and Det. Selegian all said, “Knock it off. Put your clothes back on.” § 87(2)(b) initially said, “No, I know you motherfuckers from jail. I met you niggers in jail...you faggot motherfuckers.” § 87(2)(b) eventually put his own clothing back on. At no point did any officer make physical contact with § 87(2)(b) while he was nude. No officer ever instructed § 87(2)(b) to remove his clothing. Once § 87(2)(b) put his clothing back on, Det. Selegian turned § 87(2)(b) pockets inside out and pulled out the elastic around the rim of his socks. § 87(2)(b) was then brought back into the living room.

Lt. Bolte noted that at some juncture while the search warrant was under way – he was uncertain if this was before or after § 87(2)(b) removed his clothing – § 87(2)(e), § 87(2)(f)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

After § 87(2)(b) returned to the living room, Lt. Bolte brought § 87(2)(b) into § 87(2)(b) bedroom and shut the door. § 87(2)(b) whispered to Lt. Bolte that § 87(2)(b) did have a black rubber glove of crack cocaine, and that while they were sitting in the living room, he asked her to put it in her mouth, and § 87(2)(b) became angry when she did not do so, so he then inserted it into his rectum. § 87(2)(b) did not specify when this occurred, but Lt. Bolte assumed that this was what § 87(2)(b) was doing when the unidentified officer told him to stop moving. § 87(2)(b) also told Lt. Bolte that she had just purchased the crack cocaine she had on her person from § 87(2)(b).

Lt. Bolte brought § 87(2)(b) back into the living room. Lt. Bolte asked § 87(2)(b) if he had anything secreted in his rectum. § 87(2)(b) said, "Fuck you. You want to check my fucking ass, you faggot. You want to stick your dick in my ass? Is that why you want to know about my ass?" Lt. Bolte said, "It's a medical issue." § 87(2)(b) said, "I don't have anything in my ass."

Lt. Bolte called the District Attorney's office to inquire about obtaining a cavity search warrant. Lt. Bolte could not remember with whom he spoke. Lt. Bolte did not believe he spoke with ADA Highsmith, who assisted in obtaining the search warrant for the premises. Lt. Bolte believed he called a main or general number. Lt. Bolte made no notation of this in his memo book. The assistant district attorney with whom Lt. Bolte spoke seemed to go back and forth with her supervisor until ultimately it was determined that they lacked sufficient basis for a cavity search, as no officer had seen § 87(2)(b) in the act of secreting contraband in his anus.

Det. Selegan (BR 30) corroborated that at the pre-execution meeting, his team was informed that the contraband could be found in some kind of desk in § 87(2)(b) bedroom at the rear right of the apartment, and that § 87(2)(b) may have had an early warning system. Det. Selegan was provided with no other information about how the contraband might be packaged, and did not remember at any point hearing that the contraband might be stored in a black plastic bag or glove.

Upon entry, Det. Selegan went to the second bedroom at the rear of the apartment, on the left side of the hallway. Det. Selegan encountered § 87(2)(b) and asked her if she had any contraband on her person. § 87(2)(b) acknowledged that she had crack cocaine in her brassiere. Det. Selegan called PO McGee into this bedroom to release § 87(2)(b) from her handcuffs so that she was able to retrieve the crack cocaine from her brassiere. PO McGee then placed § 87(2)(b) into handcuffs again and removed her from the bedroom. Det. Selegan remained in the bedroom to continue the search with Insp. McCormack.

From inside this bedroom, Det. Selegan heard, but did not see, some kind of "commotion" from the living room. Det. Selegan elaborated that he heard an officer whose voice he could not identify say, "He's moving." Det. Selegan heard nothing else. Det. Selegan assumed this meant that § 87(2)(b) was in some way moving around while rear handcuffed (Det. Selegan did not recall the presence of § 87(2)(b) but he never himself saw § 87(2)(b) moving around, and was never informed how § 87(2)(b) had been moving in the living room.

From § 87(2)(b) bedroom, Lt. Bolte called to Det. Selegan by name and said, "Get § 87(2)(b) in here and search him again. Give him a better search." Det. Selegan did not know why it was necessary to bring § 87(2)(b) to the bedroom of the location for a more thorough search to be performed. Det. Selegan never learned which officer, if any, conducted any initial search of § 87(2)(b). Det. Selegan went to § 87(2)(b) bedroom, where he saw Lt. Bolte, Sgt. Bohr, and two officers who Det. Selegan did not know and assumed were

Sgt. Bohr's assistants, identified by the investigation as PO Romero and PO Accomando. Insp. McCormack followed Det. Selegan into § 87(2)(b) bedroom.

§ 87(2)(b) was initially calm. Det. Selegan began to search him by squeezing the pockets of the clothing § 87(2)(b) wore, though he did not remember exactly what he was wearing aside from possibly shorts. After about 30 seconds of squeezing these pockets, money fell out from in between § 87(2)(b) legs, falling down one of the legs of his shorts to the floor. The money consisted of folded bills, though Det. Selegan was unsure what quantity. Insp. McCormack provided Det. Selegan with no specific instructions as to how § 87(2)(b) should be searched. Det. Selegan noted that Insp. McCormack seemed "a little upset" that § 87(2)(b) "had already been searched once and [Det. Selegan] put his hands on § 87(2)(b) for 30 seconds and money fell out."

Once the money fell out, § 87(2)(b) became irate, saying, "You're pussies. What do you care where I keep my money?" When Det. Selegan attempted to search § 87(2)(b) further by patting around the outside his waistband to feel if there was anything beneath the waistband, § 87(2)(b) refused to allow Det. Selegan to search the rear of his waistband by tensing his arms, which were handcuffed behind him, so that Det. Selegan could not touch the waistband beneath § 87(2)(b) hands. § 87(2)(b) did not otherwise resist, though he continued to be verbally combative. Det. Selegan tried to get § 87(2)(b) to stop tensing his arms by saying, "Listen, relax. We're here. This is what's happening. We have a warrant," but this was not effective.

Det. Selegan released § 87(2)(b) from his handcuffs so that he would be able to feel the rear exterior of his waistband. As soon as he was released from his handcuffs, § 87(2)(b) began to remove his own clothing, saying, "Suck my dick," and calling officers "faggots." § 87(2)(b) also got onto all fours, displaying his buttocks to Det. Selegan. Det. Selegan, Insp. McCormack, and Lt. Bolte all told § 87(2)(b) "Put your clothes back on. I don't want to see you naked. Knock it off." Neither Det. Selegan nor any other officer ever told § 87(2)(b) to remove his clothing. Det. Selegan did not search any of the articles of clothing that § 87(2)(b) removed. Det. Selegan did not make physical contact with § 87(2)(b) once he removed his clothing, nor did he see any officer do so. Eventually § 87(2)(b) calmed down and put his own clothing back on, after which point Det. Selegan handcuffed § 87(2)(b) again. Det. Selegan did not resume his search of § 87(2)(b) as it was by that point evident that § 87(2)(b) had nothing secreted on his person. Det. Selegan had no indication at any point that § 87(2)(b) had contraband secreted in his rectum specifically, or that any officer attempted to obtain a cavity search warrant.

Det. Flynn (BR 31) said that at the pre-execution meeting, he was informed that the contraband might be found in a tin that was stored in or underneath a nightstand inside the rear right bedroom of the apartment. Upon entry, Det. Flynn immediately went to the rear right bedroom and began searching for this tin. While in the rear right bedroom, which Det. Flynn described as being cramped, Det. Flynn heard § 87(2)(b) yelling and cursing from the living room. Det. Flynn did not remember specifically what § 87(2)(b) was saying, but believed it was something to the effect of, "What the fuck do you want?" § 87(2)(b) yelled for about a minute or two before Det. Flynn heard a voice that he could not identify say, "Stop moving." Shortly thereafter, Det. Flynn heard Insp. McCormack say something to the effect of, "Get § 87(2)(b) in here and give him a search." Det. Flynn did not know why Insp. McCormack wanted § 87(2)(b) brought to the bedroom to be searched, but noted that it is not uncommon for officers to separate subjects inside an apartment to speak privately with them.

Det. Flynn was unsure if § 87(2)(b) was handcuffed when he was first brought into the bedroom. Det. Flynn did not know which officers brought § 87(2)(b) to the bedroom, but knew Lt. Bolte and Insp. McCormack were present. Det. Flynn did not see any officer conduct a





PO McGee (BR 35) denied strip searching § 87(2)(b) seeing any officer do so, or having any indication that § 87(2)(b) had contraband secreted on his person. PO McGee did not see officers bringing § 87(2)(b) from the living room back to his bedroom.

Det. Laine (BR 36) said that once § 87(2)(b) was first brought into the living room, he frisked him by patting around his waistband. Det. Laine did not conduct any search of § 87(2)(b) at this time, and had no indication that § 87(2)(b) had contraband secreted on his person. Det. Laine said that § 87(2)(b) seemed agitated in that he repeatedly demanded to see a search warrant, and repeatedly attempted to stand up from the sofa in the living room where officers had him seated, but Det. Laine did not otherwise see him moving. Det. Laine never saw officers moving § 87(2)(b) from the living room to a rear bedroom of the apartment, and had no indication that § 87(2)(b) ever was strip searched, or removed his own clothing.

All other officers interviewed who at some point entered § 87(2)(b) including Det. Mustafa (BR 37), Det. Demkiw (BR 38), Det. Lieneck (BR 39), and Det. McCarthy (BR 40), denied any involvement in, or knowledge of, the strip search of § 87(2)(b) and all denied having any indication that § 87(2)(b) had contraband secreted on his person.

A strip search is any search in which an individual's undergarments, e.g. bra, underwear, etc., and/or private areas are exposed, or in which an individuals' clothing is removed, lifted up, or pulled down to expose undergarments or private areas. A strip search may only be conducted when the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person, or in the clothing, in such a manner that they may not be discovered by previous search methods. Patrol Guide Procedure 208-05 (BR 41). Non-consent strip searches of detainees can only be conducted inside of Department facilities and must be documented. PD v. Bradley, OATH Index No. 75419/00 (2001) (BR 42); PD v. Pellegrino, OATH Index No. 94359/08 (2004) (BR 43).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

Of the officers who recalled that § 87(2)(b) was moved from the living room to the bedroom, when asked why it was necessary to do so, Det. Selegan and Det. Flynn said that they did not know, Lt. Bolte said this was done as that was “just where [the officers] happened to be,” and Insp. McCormack said it was done as in general, searches should be conducted in the least crowded area possible. § 87(2)(g)

[REDACTED]

§ 87(2)(b) There are five prior allegations of a strip search against Insp. McCormack, four of which allegedly occurred outside of a police facility. § 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

**Allegation D – Abuse of Authority: Insp. Christopher McCormack threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) (BR 17) alleged that during the strip search, he informed the officer conducting the strip search that if the officer wanted to “check for something [in his rectum], take

me to the hospital,” and that Insp. McCormack replied, “You got a smart mouth. I’ll knock you out so you won’t wake up until next week.”

As was discussed above, the investigation was unable to reach § 87(2)(b) or § 87(2)(b). Neither of them corroborated this allegation in their IAB statements (BR 15). § 87(2)(b) also did not corroborate this statement, though he may not have been in a position to hear it even if it did occur (BR 16).

Insp. McCormack (BR 28) denied making this statement, or in general threatening § 87(2)(b) with the use of physical force. All officers interviewed denied hearing Insp. McCormack or any other officer make the alleged statement.

§ 87(2)(g)

**Allegation E – Abuse of Authority: Officers strip-searched § 87(2)(b)**

In his statement to IAB (BR 15), § 87(2)(b) alleged that he was also strip searched in the kitchen of § 87(2)(b) in the Bronx.

As discussed above, the investigation was unable to establish contact with § 87(2)(b)

§ 87(2)(g)

**Allegation F – Abuse of Authority: Officers searched a vehicle belonging to § 87(2)(b)**

**Allegation G – Abuse of Authority: Officers damaged § 87(2)(b) property.**

**Allegation H – Abuse of Authority: An officer threatened to arrest § 87(2)(b)**

§ 87(2)(b) (BR 16) alleged that when he responded to § 87(2)(b) he saw three officers searching a vehicle registered to § 87(2)(b) § 87(2)(b) mother. § 87(2)(b) alleged that one of these officers damaged the glove compartment of the vehicle by pulling the glove compartment door off of its left hinge. When § 87(2)(b) approached the officers and demanded to know what they were doing, an officer told § 87(2)(b) “Mind your business or I’ll arrest you.”

As discussed above, the investigation exhausted all means to identify the subject officer of this allegation without success.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

[Redacted text block]

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date